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## 6.0 PUBLIC INVOLVEMENT AND AGENCY COORDINATION

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This section documents public involvement and agency coordination efforts since the publication of the 2002 Draft Supplemental Environmental Impact Statement (DSEIS). A summary of prior early coordination with government agencies, agency letters and comments, early public involvement efforts, public meetings, and comments received can be found in Section 6.0 Public Involvement and Agency Coordination of the DSEIS. The DSEIS is available for review through the Michigan Department of Transportation (MDOT).

### 6.1 NEPA/404 Process for the Statement of Purpose and Need

This process provides for National Environmental Policy Act (NEPA) environmental clearance and Section 404 wetland permitting coordination requirements to be completed concurrently and serves as a consensus building tool for the agencies involved. As a part of this process, concurrence on the Statement of Purpose of and Need for the Proposed Action was requested from the Michigan Department of Environmental Quality (MDEQ), United States Army Corps of Engineers (USACE), United States Environmental Protection Agency (USEPA), and the United States Fish and Wildlife (USFWS) through letters and documentation sent on October 2, 2001. All of these agencies have sent letters concurring with the Statement of Purpose of and Need for the Proposed Action. Copies of these letters appear in **Appendix E.1**. The Federal Highway Administration (FHWA) has sponsored and participated in the development of the project including formal coordination meetings on June 11, 2001, and September 14, 2001. Representatives from the FHWA have participated in regular project team meetings and have guided the development of the Statement of Purpose and Need for the Proposed Action.

As part of the NEPA/404 process, the Michigan Department of Transportation also updated the above agencies during a regularly scheduled project coordination meeting conducted on October 30 and 31, 2001. Representatives from MDEQ and the USFWS also took part in an additional project tour on December 11, 2001. This tour was held to gain preliminary concurrence on proposed wetland mitigation sites and drainage issues connected with the project. A followup meeting with MDEQ was held on March 13, 2003, and an additional project update was conducted at an annual agency coordination meeting held on October 1<sup>st</sup> and 2<sup>nd</sup>, 2003.

#### 6.1.1 Comments from Agency Letters on the Statement of Purpose of and Need for the Proposed Action

The following provides a brief summary of the comments received in the letters of concurrence for the Statement of Purpose and Need for the Proposed Action from the referenced agencies (**Appendix E.1**).

##### United States Fish and Wildlife Service - November 5, 2001

- Agreed to the purpose of and need for concurrence point.
- Stated that they may conduct a separate and/or additional evaluation pursuant to the Fish and Wildlife Coordination Act if the project requires a permit from MDEQ or USACE.

United States Environmental Protection Agency - November 9, 2001

- Agreed that there appears to be an opportunity to provide the same linkage to I-94 and I-196 as was contemplated in the 1981 FEIS with less environmental impacts and costs.
- Concurred with the purpose of and need for the proposed action.
- Stated that they believe that the purpose of and need for the proposed action is reasonably defined and that adequate information exists to proceed to the next stage.

Michigan Department of Environmental Quality - November 14, 2001

- Agreed with the first concurrence point as to the purpose of and need for the proposed action.

United States Army Corps of Engineers, Detroit District - December 3, 2001

- Acknowledged the decision to prepare a DSEIS to address the alternatives for realigning the segment of US-31 north of Napier Avenue.
- Agreed that many of the goals and benefits of the US-31 freeway segment provided in the 1981 FEIS are also applicable to the proposed project study.
- Stated that they are in concurrence with the purpose of and need for documentation.
- Stated that they look forward to receiving further information on impacts to water resources in order to make a comparative assessment of the least damaging alternatives.

## **6.2 Agency Review of Draft Supplemental Environmental Impact Statement (DSEIS)**

Copies of the DSEIS were sent to all relevant government agencies in October 2002 for their review and comment. Letters received from government agencies in response to their review of the DSEIS are found in **Appendix E.4** of this document.

### **6.2.1 NEPA/404 Process for the DSEIS Practical Alternatives**

As part of the National Environmental Policy Act (NEPA) environmental clearance and Section 404 wetland permitting process, concurrence was requested from the MDEQ, USACE, USEPA, and USFWS that all appropriate practical alternatives were being carried forward within the DSEIS through letters and documentation sent on November 14, 2002. Each of these agencies has sent letters concurring with the Practical Alternatives to be Carried Forward; these letters are included in **Appendix E.4**. Representatives from the FHWA have participated in regular project team meetings and have also fully concurred with the Practical Alternatives to be Carried Forward for the proposed action.

## 6.2.2 Agency Comments and Responses on the DSEIS and Practical Alternatives to be Carried Forward

The following provides a brief summary of comments received by federal, state, and local agencies. Comments are followed by MDOT responses where appropriate.

### United States Fish and Wildlife Service - December 20, 2002

- “Agree with the second decision point and concur with the Alternatives to be Carried Forward.”

### United States Environmental Protection Agency - January 2, 2003

- “Concur with the Alternatives Carried Forward.”
- “Clarify what the trade-offs are between PA-2 and PA-3 with respect to transportation performance and environmental impacts.”

Response: Recommended Alternative PA-2 provides many distinct advantages over PA-3. The proposed cloverleaf interchange associated with Recommended Alternative PA-2 provides an additional 1800 feet of weaving distance to allow US-31 traffic to merge with existing I-94 traffic. Recommended Alternative PA-2 does not require the northbound US-31 to eastbound I-94 ramp to be located on a horizontal curve, and construction phasing is easier and more efficient due to the proposed interchange location south of the existing interchange. PA-3 requires more residential relocations and raises environmental justice concerns. **Section 3.0 Alternatives Considered** provides a complete analysis of Recommended Alternative PA-2 and PA-3.

- “Look for additional ways to minimize impacting wetlands and other aquatic resources in the project area.”

Response: The selection of PA-2 as the Recommended Alternative was due in part to its relatively low impact to wetland complexes as opposed to PA-4. Ramp F and Ramp G of the I-94/BL-94/US-31 interchange have been reconfigured from the original PA-2 alignment proposed in the DSEIS to provide tighter radius loop ramps and a smaller overall footprint in order to reduce wetland impacts. This has resulted in a one acre reduction of wetland impacts, all of which are high quality. The beneficiaries of the tighter loop ramps are wetland complexes 23 and 24. There is an impact reduction of 50% for complex 23 and total avoidance of complex 24. This geometric change required an exception to the design criteria established for the project but still complies with the American Association of State Highway Transportation Officials and FHWA design guidelines.

- Concerned that PA-2 impacts 6.1 acres of higher rated wetlands, compared to 2.91 acres with PA-3.

Response: Although PA-3 impacts less higher rated wetlands than PA-2, the reconfigured PA-2 interchange impacts 16.4% less high quality wetlands than the previous PA-2 interchange alignment. Recommended Alternative PA-2 is superior to PA-3 from a social, geometrics, safety, construction phasing, and cost perspective. **Section 5.12 Wetland Impacts** provides a detailed explanation of impacts and mitigation.

- “Consider bridging this wetland complex (wetland 9) as a way to reduce indirect impacts to wetlands and mitigate for wildlife impacts.”

*Response: To maintain hydrological connectivity of Wetland 9, a culvert will connect the wetland area where the US-31 alignment crosses over. This mitigation measure will reduce indirect wetland impacts.*

- Assigned “EC-2” rating, (environmental concerns, insufficient information).

*Michigan Department of Environmental Quality - November 14, 2002*

- Concur with the Alternatives to be Carried Forward.
- Prefer PA-2 and PA-3 to PA-4.
- Document efforts to avoid and minimize wetland impacts once a Preferred Alternative is selected. Secure one of the mitigation sites identified in the DSEIS once a final alternative is selected.

*Response: The Recommended Alternative was reconfigured to reduce wetland impacts. The new design has resulted in a 16.4% reduction (one acre) of wetland impacts, all of which are high quality wetlands. The wetland mitigation plan developed in conjunction with The Nature Conservancy proposes the preservation of already established wetland fen complexes in conjunction with credits from prior US-31 wetland creations, thus mitigation sites identified in the Draft Supplemental Environmental Impact Statement (DSEIS) are no longer required. A detailed wetland mitigation plan can be found in **Section 5.12 Wetland Impacts**.*

- As part of the permit application, a wetland mitigation plan should be developed and approved by the MDEQ.

*Response: The Michigan Department of Environmental Quality and the Michigan Department of Natural Resources have reviewed the proposed wetland mitigation plan and verbally concurred that the plan is acceptable mitigation for Recommended Alternative PA-2 wetland impacts. A detailed mitigation plan will be submitted with the wetland permit application.*

- Mitigation activities must be completed before initiating other permitted activities, unless a concurrent schedule is agreed upon.

*Response: As part of the design process MDOT will coordinate with MDEQ to satisfy all permitting requirements.*

*United States Army Corps of Engineers, Detroit District - January 23, 2003*

- Concur with the second NEPA/Section 404 concurrence point, “Alternatives Carried Forward”.
- “We are in favor of the re-alignment alternatives that are being considered under PA-2 and PA-3, which reduces wetland impacts and avoids crossing the sensitive environmental area surrounding Blue and Yellow Creeks.”

- Potential mitigation sites should be subject to the same assessment criteria as impacted wetlands and mitigation should be “in-kind” replacement of wetlands.

Response: *Recommended Alternative PA-2 as revised based upon agency comments, impacts 12.2 acres of wetlands of which 5.1 acres are rated as high quality. This is one acre less than the PA-2 alternative from the DSEIS. The proposed wetland mitigation plan developed in conjunction with The Nature Conservancy proposes to preserve 222.5 acres of wetlands located in three already established wetland fen complexes of which 100% are rated high quality. Wetlands proposed for preservation serve comparable and greater functions than those impacted.*

*Wetland credits from excess wetlands created in conjunction with earlier phases of the Matthew Road to I-94 construction of US-31 as addressed within the approved 1981 FEIS, provide no net loss of wetlands for the overall project. Preservation of sensitive wetland fen areas are proposed during this last construction phase as a part of the compensatory mitigation beyond the 1:1 replacement of impacts. A detailed wetland mitigation plan is found in **Section 5.12 Wetland Impacts**.*

- Any proposed mitigation and monitoring plan should include a detailed discussion of goals, performance criteria, assurances of success, possible corrective measures, invasive plant species control, and protection in perpetuity. Also, Mitigation Site #1 is the recommended site for mitigation.

Response: **Section 5.12 Wetland Impacts** provides a detailed explanation of the proposed wetland mitigation plan. The mitigation plan proposes to preserve already established wetland complexes in perpetuity, actively managed by The Nature Conservancy. Mitigation sites as proposed in the DSEIS are no longer being considered. Direct 1:1 replacement of all US-31 wetland impacts including those of Recommended Alternative PA-2 has already been accomplished as a part of earlier phases of US-31 construction. Additional mitigation is proposed in this phase through preservation of very sensitive wetland fen habitat at a 10:1 ratio (10 acres of wetland preservation for each acre of impact).

United States Department of Interior - December 30, 2002

- Determine if archaeological site 20BE116 is a 4(f) resource.

Response: *Upon further investigation and coordination with the Michigan State Historic Preservation Office (SHPO) it was determined that site 20BE116 is not located within the Area of Potential Effect (APE) for Recommended Alternative PA-2 and does not require consideration as a potential 4(f) impact. A letter of determination for Recommended Alternative PA-2 can be found in **Appendix E.6**.*

- Restate in FSEIS that USFWS is not requiring costly structures to span the Blue and Yellow Creeks, but that design changes to the structures were identified as measures that would avoid impacts to federally listed species.

Response: *A statement was added to the FSEIS (**Executive Summary**) explaining that design measures including lengthening of the structures over the Blue Creek Fen were identified as a means of avoiding impacts to the Mitchell's satyr butterfly habitat.*

- Include reference to the USFWS 1994 Biological Opinion.

Response: A reference was added regarding the 1994 Biological Opinion paper in the **Executive Summary** section of the FSEIS.

- Change reference to USGS Open file report 96-593 to reflect latest update, USGS Water Supply Paper 2437.

Response: The reference was changed to reflect the latest update.

- DSEIS states an inconsistent water recharge value in section 4.11 and section 5.11.

Response: Both sections of the FSEIS were changed to reflect the correct recharge value of 14.2 inches per year.

- Include reference to USGS Open-File Report 96-593 in section 11.0 of the DSEIS.

Response: A reference was added in **Section 11.0 References** to reflect the latest USGS update.

- DSEIS does not adequately address wetland mitigation through avoidance and minimization. Provide discussion of possible ways to avoid and/or minimize wetland impacts associated with PA-2 and PA-3 in FSEIS.

Response: As part of the alternatives development for this project, wetland impacts were evaluated and minimized through a series of agency reviews and comments. The selection of PA-2 as the Recommended Alternative was due in part to its avoidance of wetland impacts around Blue and Yellow Creeks. In addition to avoidance of wetlands around Blue and Yellow Creeks, Ramp F and Ramp G of the I-94/BL-94/US-31 interchange were reconfigured to reflect tighter radius loop ramps and a smaller overall footprint. The new Recommended Alternative PA-2 design has resulted in a 16.4% reduction of high quality wetland impacts and an impact reduction of 50% for wetland complex 23 and total avoidance of previously impacted wetland complex 24. Although PA-3 impacts slightly fewer wetlands than PA-2, from a social, geometrics, safety, construction phasing and cost perspective, Recommended Alternative PA-2 is superior to PA-3. **Section 5.12 Wetland Impacts** provides a detailed explanation of impacts and mitigation associated with Recommended Alternative PA-2 and PA-3.

- Include a comprehensive wetland mitigation plan in the FSEIS.

Response: A comprehensive wetland mitigation plan is found in **Section 5.12 Wetland Impacts** of the **Environmental Consequences** section of the FSEIS.

- Provide more information concerning road salt impacts of potential wetland mitigation sites in FSEIS.

Response: Four wetland mitigation sites (sites 1, 2, 3, and 5) as proposed in the DSEIS were to be located adjacent to the proposed freeway. The wetland mitigation plan as presented in the FSEIS no longer proposes mitigation adjacent to freeways or major highways. Mitigation sites that potentially would be impacted by road salts are no longer

required. Proposed fen preservation locations are described in **Section 5.12 Wetland Impacts**.

- Develop a stream monitoring and management plan for the Preferred Alternative to be included in the FSEIS to verify the effectiveness of proposed mitigation measures. The plan should include monitoring of water temperatures in detention basins and discharge points to Blue Creek.

Response: The detention basin drainage system proposed to accommodate drainage from the enclosed median storm system in the DSEIS was changed to address comments from regulatory agencies that the proposed detention facilities might compromise the cold water temperature of Blue Creek. It is now proposed that the enclosed median storm system would discharge to the new outside open ditch system a minimum of 300 feet east and west of Blue Creek. This will allow for adequate filtration of sedimentation. Discharges of runoff into Blue Creek would occur downstream from the Blue Creek Fen to avoid any potential adverse impacts to the fen habitat and would be regulated to ensure that the level of discharge into Blue Creek is not significantly increased.

- Include a discussion of the USFWS's 1994 Biological Opinion findings.

Response: A discussion of the 1994 USFWS Biological Opinion was added to **Section 4.18 Threatened and Endangered Species**.

- Include a narrative explaining that potential habitat for the copperbelly water snake exists within the project area.

Response: Text was added to **Section 4.18 Threatened and Endangered Species** explaining that potential habitat for the copperbelly water snake does exist within the study area though no endangered, threatened, or special concern snake species were observed.

- Include a more detailed description of measures taken to avoid impacts to the Mitchell's satyr butterfly in the FSEIS, including bridge alignment and pier placement to span Blue Creek and Blue Creek Fen, management of highway runoff, no construction on valley floor, access restriction to fen area and the use of deicing agents.

Response: PA-2 was selected as the Recommended Alternative to avoid costly mitigation measures associated with PA-4. PA-2 would eliminate potential direct and indirect impacts to the Mitchell's satyr butterfly habitat by not crossing the Blue Creek Fen. Thus, mitigation measures such as highway runoff and deicing management, fen access restrictions, and difficult construction techniques will not be necessary with Recommended Alternative PA-2.

- Discuss in the FSEIS potential impacts to the copperbelly water snake and massasauga rattlesnake and mitigation measures to avoid impacts.

Response: Snake species that are associated with wetland habitat and could potentially be found within the Recommended Alternative PA-2 right-of-way include the federally endangered Kirtland's snake, Northern copperbelly water snake, and the special concern Eastern massasauga rattlesnake. Alignments were developed to avoid and minimize impacts to wetland habitat while providing a safe and operationally efficient freeway connection. Loss of wetland habitat due to construction of the Recommended Alternative could potentially impact these species if they are present; none were observed during field

investigations. Mitigation measures to avoid impacts include redesigned loop ramps at the I-94/BL-94/US-31 interchange to reduce wetland impacts; 222.5 acres of high quality wetland preservation within the same watershed are also proposed to protect other viable habitat. See **Section 5.18 Threatened and Endangered Species** for more discussion on threatened and endangered species.

- Indicate size of medium quality habitat areas for the Indiana bat.

Response: Approximate sizes of the medium quality habitat areas of the Indiana bat was added to **Section 5.18 Threatened and Endangered Species**. The Indiana bat has not been observed and is not known to exist within the project area although its migratory habitat does include southern Michigan.

- Apply tree removal restrictions to PA-3 and PA-4 to reduce direct impacts to the Indiana bat.

Response: PA-2 was selected as the Recommended Alternative. This FSEIS only discusses the impacts and mitigation associated with the Recommended Alternative PA-2. Therefore, no discussion of impacts and mitigation of PA-3 and PA-4 are included. Tree removal restrictions are proposed for the Recommended Alternative and will be enforced at locations identified as potential habitat for the Indiana bat.

- Complete Section 7 Consultation and include results in FSEIS.

Response: The Recommended Alternative PA-2 was developed to reduce or eliminate adverse effects on the surrounding environment. Recommended Alternative PA-2 is a new alignment which avoids potential impacts to the federally endangered Mitchell's satyr butterfly identified during Section 7 Consultation. As a result, the FHWA and MDOT have been officially released from the Section 7 Consultation process and released from the "jeopardy finding" issued by the USFWS in a 1994 Biological Opinion. The official release letter from the USFWS is found in **Appendix E.5**.

- Approval of Preferred Alternative PA-2 is contingent on archaeological site 20BE116 not being determined a 4(f) resource.

Response: Further investigation and coordination with the Michigan State Historic Preservation Office (SHPO) determined that site 20BE116 is not located within the APE for Recommended Alternative PA-2 and thus does not require consideration as a potential 4(f) impact. A letter of determination for Recommended Alternative PA-2 can be found in **Appendix E.6**.

#### Michigan Department of Agriculture - November 14, 2002

- Concerns relating to direct and indirect loss of productive agricultural lands, especially lands designated prime and unique and lands enrolled under the Farmland and Open Space Preservation Section of PA 451 of 1994, as amended.

Response: A Land Evaluation Site Assessment (LESA), which measures the relative value of farmland affected, and assigns a score according to criteria, was completed and evaluated by the NRCS. The evaluation includes direct and indirect conversion, and prime and unique farmland. All alternatives were determined to have low agricultural impacts. A



detailed discussion of farmland impacts is located in **Section 5.2 Farmland Impacts**. There are no lands enrolled under the Farmland and Open Space Preservation Section of PA 451 of 1994, as amended, within the study area.

- Concerned with drainage impacts to established county drains and inter-county drains.

Response: **Section 5.13 Water Body Impacts** addresses drainage impacts to established county drains and inter-county drains.

- Revise discussion of farmland impacts to reflect Farmland and Open Space Preservation legislation.

Response: **Section 5.2 Farmland Impacts** was revised to reflect Farmland and Open Space Preservation legislation.

United States Department of Commerce - November 21, 2002

- Any activities which disturb or destroy any geodetic control monuments requires 90 days notification in advance of activities in order to plan for their relocation.

Response: MDOT will coordinate with the US Department of Commerce if any geodetic control monuments require relocation.

US Department of Transportation, Federal Aviation Administration - December 30, 2002

- FAA would object to any created wetlands within 10,000 feet of the Southwest Michigan Regional Airport. FAA would also require a bird study to determine if replacement wetlands, within five miles, would cause a hazard.

Response: The three fen areas proposed as mitigation are established and functioning wetland complexes. No new replacement wetlands are proposed to be created.

Federal Emergency Management Agency - November 12, 2002

- Review and comply with Executive Order 11988.

Response: During the design phase of the Recommended Alternative identified in the Record of Decision, all measures will be taken to comply with Executive Order 11988.

Michigan Department of Natural Resources - November 20, 2002

- The Preferred Alternative is the only route endorsed by the MDNR.
- If encountered during construction activities, special care should be taken to remove any Eastern box turtles from the construction zone.

Response: Construction crews will be instructed to remove any turtles found during construction and relocate them to suitable adjoining habitat.

United States Department of Agriculture - November 19, 2002

- Special consideration should be given to minimize impacts to Michigan's agricultural community.

*Response:* During the design phase of the Recommended Alternative efforts will be made to reduce right-of-way takes and minimize farmland impacts.

Berrien County Road Commission - November 6, 2002

- Agrees with the selection of PA-2 as the Preferred Alternative.

Benton Harbor Area Schools - November 15, 2002

- Agrees with the selection of PA-2 as the Preferred Alternative.
- PA-2 would enhance school transportation safety.

City of Benton Harbor - November 1, 2002

- Agrees with the selection of PA-2 as the Preferred Alternative.

## **6.3 Public Involvement and DSEIS Comments Received**

The public involvement process was a vital component in the development of Recommended Alternative PA-2 as presented in this Final Supplemental Environmental Impact Statement (FSEIS). Public participation played a key role in the decision making process. The following sections discuss the meetings held, the avenues of communication provided, and the comments received as a part of the public involvement process.

### **6.3.1 Public Involvement Information Resources**

A toll-free telephone number and a project Web site have been available since the start of the project. The phone number and Web site was promoted through local media, press releases, public meetings, and project newsletters. A total of 97 E-mails and 41 calls were received from the start of the project through October 2003. The project Web site and phone number will remain active through distribution and review of the FSEIS. One additional meeting was held with the Berrien County Drain Commissioner on May 22, 2003 to discuss drainage issues subsequent to the publication of the DSEIS.

### **6.3.2 Official Public Hearing**

In accordance with federal and state public involvement and public hearing procedures, a public hearing was held on Wednesday, October 30, 2002, at Mendel Center at Lake Michigan Community College, Benton Harbor, Michigan. Two sessions were open to the public, an afternoon session from 3:30 p.m. to 5:00 p.m. and an evening session from 7:00 p.m. to 8:30 p.m. Approximately 130 people attended, of whom 12 provided audio-recorded comments, and 26 provided comments in writing. Eight additional comments were received by way of E-mail or telephone within 30 days of the public hearing. A copy of the Certification of Public Hearing can be found in **Appendix E.3**.

The public hearing was held using an open forum format where members of the public could visit stations discussing different aspects of the project. Audio-video presentations, maps, exhibits, and a computer generated animation of Recommended Alternative PA-2 were shown. Exhibits described the impacts and costs associated with each alternative. Members of the public had the opportunity to discuss issues on a one-on-one basis with members of the project team. MDOT representatives experienced in environmental planning, engineering and design, Section 106 procedures, and real estate acquisition were available to answer questions. Attendees were encouraged to fill out comment forms.

A court reporter and comment boxes were present at the public hearing to record/collect verbal and written comments made by attendees. Comments received at the hearing, or within 30 days of the hearing, were included in a public hearing transcript. The transcript is available for public review at the MDOT Bureau of Transportation Planning in Lansing, Michigan. Recorded comments and concerns were considered during the refinement of Recommended Alternative PA-2. Public concerns and comments gathered during the public hearing phase are summarized in **Section 6.3.3 Public Comments**.

The meetings were officially advertised through legal notices placed in the October 16 and 23, 2002, issues of the Herald-Palladium in St. Joseph, Michigan. Public hearing announcements were made in advance to public officials and stakeholders. Approximately 200 project brochures promoting hearing dates and times were mailed to past meeting attendees and other interested parties. A copy of the legal notice is found in **Appendix E.3**.

### **6.3.3 Public Comments**

The following is a brief summary of comments and responses to public hearing comments, E-mails, and phone conversations regarding the DSEIS. As with previous public meetings, comments and concerns varied greatly. The following comments are arranged by topic. A detailed summary of all comments received at the public hearing is located in **Appendix E.3**.

*In favor of Preferred Alternative PA-2:* Various attendees expressed their approval of Preferred Alternative PA-2 as being the best overall solution with the least amount of impacts. Cost, safety, and community benefits were reasons cited for their approval of Preferred Alternative PA-2.

*Response:* *PA-2 has been designated as the Recommended Alternative in the FSEIS.*

*In favor of PA-4:* Several members of the public encouraged MDOT to select PA-4 because it represented the most direct route to the I-94/I-196 interchange. Views were also expressed that urged MDOT to use right-of-way that was previously purchased for the 1981 Approved Alignment. Some parties favoring PA-4 expressed a view that both PA-3 and Preferred Alternative PA-2 were “quick fixes” of problems that would have to be addressed again in the future.

*Response:* *PA-2 has been designated as the Recommended Alternative in the FSEIS as it has fewer overall environmental impacts and a lower cost than PA-3 and PA-4. Traffic analysis, as discussed in **Section 3.5.2 Recommended Alternative PA-2**, shows that PA-2 will operate efficiently in the 2025 design year. Recommended Alternative PA-2 fully meets the purpose of and need for the project.*

Against project completely: Comments were made that the project was a waste of taxpayer's money and an intrusion on private property and that US-31 should stop at Napier Avenue.

Response: The FSEIS examined alternatives that stopped at Napier Avenue including the No-Build Alternative and PA-1. These alternatives will lead to substantial congestion along Napier Avenue and at I-94/Napier Avenue and US-31/Napier Avenue interchanges. These alternatives do not meet the primary purpose of the project of achieving US-31 freeway system connectivity to the existing US-31 freeway at the north and south termini of the study area and a freeway system linkage to I-94.

Improvement of local roads: Local residents voiced concerns that local roads needed upgrades and additional signalization.

Response: The construction of Recommended Alternative PA-2 would remove the need for US-31 traffic to use Napier Avenue, reducing traffic on local roads. Improvements to local roads beyond sections affected by the proposed project are the responsibility of Twin Cities Area Transportation Study (TwinCATS) and the Berrien County Road Commission.

Traffic and safety issues: A number of people expressed apprehension that Preferred Alternative PA-2 would be able to handle the expected volume of traffic. Some questioned Preferred Alternative PA-2's ability to safely merge northbound US-31 traffic onto existing northbound I-94 while others viewed Preferred Alternative PA-2 as the safest alternative with the least amount of traffic control issues. Some local residents questioned MDOT's average daily traffic volumes and felt traffic numbers were too low.

Response: Current traffic counts were utilized and future traffic projections for this study were derived from the TwinCATS regional transportation demand model maintained by MDOT and supplemented by MDOT's statewide model. Recommended Alternative PA-2 (identified as Preferred Alternative PA-2 in the DSEIS) includes auxiliary lanes between the I-94/BL-94/US-31 and I-94/I-196/US-31 interchanges. These auxiliary lanes are illustrated in **Figure 3.11 of Section 3.0 Alternatives Considered**. The auxiliary lanes will allow vehicles traveling through on US-31 to stay in the auxiliary lane provided and not merge with I-94 through traffic.

Concerned with environmental issues: Environmental issues raised included water run-off during construction and noise impacts from additional traffic volumes.

Response: **Section 5.0 Environmental Consequences** discusses these and other potential environmental impacts in detail.

Concerned with project funding and schedule: Comments from the public questioned MDOT's ability to fund the current project, while others urged MDOT to build it now before priorities change.

Response: Recommended Alternative PA-2 is forecasted to have a 2005 construction and right-of-way cost of \$80.1 million. The Recommended Alternative selected by FHWA will be funded in accordance with MDOT's current Five Year Road and Bridge Program and subsequent five year plans.